



THE CITY OF NEW YORK
LAW DEPARTMENT
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OCT - 2

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October 2, 2007

BY HAND

Honorable Richard Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 10/11/07

Re: Bascom v. City of New York, 07 CV 8051 (RJH)

Dear Judge Holwell:

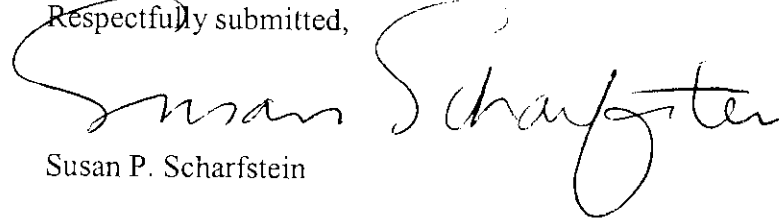
I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendant City of New York in the above-referenced action brought pursuant to 42 U.S.C. § 1983. Defendant respectfully requests that the time to respond to the complaint be extended by sixty days from the current due date of October 5, 2007, to December 5, 2007. Plaintiff's counsel has consented to this request for an enlargement of time.

We request this enlargement of time because, in keeping with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal matter, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consents and authorizations for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint. Further, plaintiff has alleged physical injury as a result of the events of which he complains and, accordingly, this office is in the process of forwarding to plaintiff's counsel a consent and authorization for the release of medical records for treatment received as a result of the alleged incident.

No previous request for an extension of time to respond to the complaint has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to December 5, 2007.

Thank you for your consideration herein.

Respectfully submitted,



Susan P. Scharfstein

cc: Izabel Olszowa Garcia, Esq.
Attorney for Plaintiff
26 Court Street, Suite 1815
Brooklyn, NY 11242
(by hand)

Appellate Granted

20 ORDERED



USDC

10/10/07